

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ROBERTO ORTIZ,

Plaintiff,

v.

HOMELAND SECURITY,

Defendant.

Case No. C05-0948RSL

ORDER VACATING ORDER  
OF DISMISSAL

This matter comes before the Court on plaintiff's letter filed on August 8, 2006.

On June 12, 2006, the Court granted defendant's motion for a more definite statement and ordered plaintiff to file, within thirty days, an amended complaint which complied with the pleading requirements of Fed. R. Civ. P. 8(e)(1) and "which clearly states plaintiff's Alien Number and date of birth." (Dkt. #22). The Court dismissed this case on July 25, 2006 because plaintiff did not file an amended complaint.

In his letter, plaintiff states that his original complaint contained both his Alien Number and his date of birth. The Court ordered the complaint sealed because it contained several social security numbers which should have been redacted pursuant to the General Order of the Court regarding Public Access to Electronic Case Files (filed

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1 5/29/03). Plaintiff then filed a redacted complaint, in which he removed not only the  
2 social security numbers but also his Alien Number and date of birth. The redacted  
3 complaint was served on the defendant.

4 The filing of the amended complaint superceded the original complaint.  
5 Furthermore, plaintiff has not explained why he did not comply with the Court's order  
6 requiring him to file an amended complaint that included his Alien Number and date of  
7 birth. Had he complied with that order, his complaint would not have been dismissed on  
8 July 25, 2006. However, in light of the fact that plaintiff is proceeding *pro se*, the Court  
9 will allow him another opportunity to file an amended complaint that complies with the  
10 pleading requirements of Fed. R. Civ. P. 8(e)(1) and states his Alien Number and date of  
11 birth.

12 Accordingly, the order of dismissal is VACATED, and the Clerk of the Court is  
13 directed to reopen this case. Plaintiff must file an amended complaint within thirty days  
14 of the date of this order. Otherwise, his complaint will be dismissed.

15  
16 DATED this 17th day of August, 2006.

17  
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19 Robert S. Lasnik  
20 United States District Judge